



# THE CEYLON GOVERNMENT GAZETTE

EXTRAORDINARY

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## PART II.—LEGAL.

### DRAFT ORDINANCES.

#### MINUTE.

The following Draft of a proposed Ordinance is published for general information :—

L. D.—O. 2/46/M/LA.—D. 107

An Ordinance to make provision for facilitating the operation of certain provisions of the Local Government Service Ordinance, No. 43 of 1945, during the interval before regulations are duly made for the purposes of that Ordinance.

BE it enacted by the Governor of Ceylon, with the advice and consent of the State Council thereof, as follows :—

1. This Ordinance may be cited as the Local Government Service (Transitional Provisions) Ordinance, No. of 1946.

Short title.

2. In the event of Part II of the Local Government Service Ordinance, No. 43 of 1945, (hereinafter referred to as the "principal Ordinance"), being brought into operation before the regulations required for any of the purposes of that Part come into force, the following provisions shall, notwithstanding anything in the principal Ordinance, have effect as supplementary provisions in relation to that purpose :—

Supplementary provisions to facilitate the operation of Part II of Ordinance No. 43 of 1945.

(a) where there is in force in respect of that purpose any written law which would have been applicable to a case but for the enactment of the principal Ordinance, the Local Government Service Commission may apply that written law to that case so far as that law is not inconsistent with the principal Ordinance, and may act in like manner as if the powers conferred by that law upon any local authority or officer or person had been transferred to or vested in the Commission ; and

(b) where there is no such written law in force in respect of that purpose, the Local Government Service Commission may, in its discretion, determine any matter which is required or authorised by the principal Ordinance to be prescribed for that purpose by regulation.

3. This Ordinance shall cease to be in force in relation to any purpose referred to in section 2 on such date as the Governor may appoint by Order published in the *Gazette*.

Duration of Ordinance.

#### *Objects and Reasons.*

At the time of the preparation and the enactment of the Local Government Service Ordinance, No. 43 of 1945, it was the intention that Parts II, III and IV of that Ordinance should be brought into operation only after a complete set of regulations necessary for the proper working of those Parts had come into force.

Since that time, however, it has been found that it will be advisable to bring Part II of the Ordinance into operation as early as possible. The provisions of that Part deal with appointments and conditions of service, and the details of such subjects as the qualifications for appointment, the examinations to be held for the selection of officers, scales of salaries and allowances, transfers, dismissals and other forms of punishment and conditions of leave, have all to be

prescribed by regulations. The actual working of these provisions will therefore be impossible without a full set of regulations. But there is reason to think that it may be possible to make up for the absence of regulations by applying the by-laws on these subjects which have hitherto been enforced by local authorities, and, where there are no such by-laws, by giving the Local Government Service Commission the power to determine the matters that arise according to their discretion.

It is accordingly proposed in this Bill that until a full set of regulations comes into force for each of the purposes of Part II, any by-laws in force in any local area on the same subject should be applied by the Commission in cases where such by-laws would have been applicable but for certain provisions of the principal Ordinance, and that where no by-laws of such description are in force the Commission should determine according to its own discretion all such matters as are left by Part II to be prescribed by regulations.

S. W. R. D. BANDARANAIKE,  
Minister for Local Administration.

Colombo, 7th February, 1946.

#### MINUTE.

The following Draft of a proposed Ordinance is published for general information :—

L. D.—O 39/42 M.L.A.—BA 463.

**An Ordinance to amend the Rent Restriction Ordinance, No. 60 of 1942.**

BE it enacted by the Governor of Ceylon, with the advice and consent of the State Council thereof, as follows :—

Short title.

1. This Ordinance may be cited as the Rent Restriction Amendment Ordinance, No. of 1946.

Replacement of section 18 of Ordinance No. 60 of 1942.

2. Section 18 of the Rent Restriction Ordinance, No. 60 of 1942, is hereby repealed and the following section shall be substituted therefor :—

Duration of Ordinance.

18. This Ordinance shall cease to be in operation on the thirty-first day of December, 1946, or on such earlier date as may be appointed in that behalf by the Governor by Proclamation published in the *Gazette*.

*Objects and Reasons.*

The Rent Restriction Ordinance will, under section 18, cease to be in operation on the date on which the Emergency Powers (Colonial Defence) Orders in Council expire. Prevailing conditions however render it necessary that the provisions of the Ordinance should continue in force for some further time. The object of this Bill is to replace section 18 by a new section, under which the Ordinance will continue in operation until December 31, 1946, or such earlier date as may be appointed by the Governor. The specified date is the same as that proposed to be fixed by Imperial Act for the continuance in force of certain emergency legislation.

S. W. R. D. BANDARANAIKE,  
Minister for Local Administration.

Colombo, 7th February, 1946.